



Memorandum

Date November 25, 2002

From Rose Crum-Johnson, Regional Administrator
Atlanta Regional Office

Subject ALERT: Invalid Nurse Aide Certifications (N.C.)

To Office of Communications and Operations Support

Nature of Alert (highlight choice)

- ☒ Critical program development that the Administrator and/or CO Center/Office Head needs to be aware of
- ☒ Issue that has received or is expected to receive interest from major media
- ☐ Significant Facility issue
- ☐ Issue involving significant congressional interest
- ☒ Issue that the Administrator and/or Center/office Director may receive an inquiry on

Summary

“Nursing Solutions”, a previously approved nurse aide competency evaluator in North Carolina, was found to have wrongfully certified approximately 430 nurse aides. Of this number, 373 had never completed a nurse aide training program. The question of their competency was raised when the facilities employing these aides raised complaints. The complaints focused on the lack of skills these newly certified aides possessed at the time they were hired. Upon further investigation, the State found that “Nursing Solutions” did not possess the necessary equipment and resources to administer a valid competency evaluation. On Friday, November 22, 2002, CMS/Region IV directed the North Carolina Division of Facility Services, Health Care Personnel Registry Section, to remove the names of these individuals from the State’s Nurse Aide Registry by close of business on Monday, November 25, 2002.

Detail

By Tuesday, November 26, 2002, the State will send letters to all certified North Carolina nursing homes explaining the nature of the problem and giving the following instructions:

1. By December 6, 2002, the nursing homes will be required to identify the nurse aides in their

employ who currently hold invalid certifications. Double-checking the State's Nurse Aide Registry will confirm this.

2. Nursing homes employing non-certified nurse aides must take the following action(s) by December 31, 2002:

- Ensure that the aides take and pass a new, state-funded CEP examination
- Enroll the non-certified aide in a state-approved NATCEP program, which will allow the person to remain employed for a maximum of four months as provided in 42 CFR 483.75(e), or
- Ensure that the non-certified aide does not provide any direct patient care until the aides have successfully completed either a NATCEP program or the CEP examination.
- Nursing homes employing non-certified aides will be advised that they are being granted a grace period until December 31, 2002, for compliance with the requirements of 42 CFR 483.75(e), which pertain to the facility not employing nurse aides who have not passed a valid CEP examination.
- Nursing homes will be advised that the state surveyors will perform focused reviews to ensure that certified nursing homes are not employing non-certified aides. The surveyors will verify whether the facilities are complying with the instructions cited above.

3. By Wednesday, November 27, 2002, the State will send letter to all non-certified aides, who were tested by "Nursing Solutions" between April 2002 and October 2002. These aides will be reinstated on the Nurse Aide Registry if they pass a new, state-funded CEP examination within 120 days. If the aides are presently employed and providing direct patient care in a nursing home, they must do the following by December 31, 2002:

- Take and pass a new, state-funded CEP examination
- Enroll in a NATCEP program, which will allow them to continue working as a nurse aide in a nursing home for a maximum of 4 months pursuant to 42-CFR 483.75(e)
- Arrange to be employed in a position not involving direct patient care until they successfully complete either a NATCEP program or a CEP examination.

Summary: We have discussed these timelines with North Carolina's Health Care Personnel Registry Section. They are committed to implement the remedial measures as outlined above. They anticipate that there may be a problem getting these aides enrolled in a State-approved training program before the end of the year, depending on the number of persons applying. The Christmas holidays may impact the availability of the course to those seeking to enroll in nurse aide training during the month of December.

Talking Points (Optional)

Not necessary at this time.

Contact

If you have questions or concerns about this matter, please contact Richard James at 404-562-7436, or Brenda Nimmons at 404-562-7405.

CC:

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